

## **REMARKS/ARGUMENTS**

By the *Office Action* of 23 January 2009, Claims 1-41 are pending in the Application, Claims 33-34 withdrawn, and Claims 1-32 and 35-41 rejected. Applicant thanks Examiner with appreciation for the careful consideration and examination given to the Application.

Applicant submits this *Response and Amendment* solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation presented during prosecution is not to be construed as abandonment or disclaimer of subject matter.

By the present *Response and Amendment*, Claims 1, 3 and 5-12 are amended, Claim 17 cancelled, and new Claims 18-25 presented. No new matter is believed presented, and all pending Claims believed allowable.

### **1. Election/Restriction**

Applicant affirms the election of Claims 1-32 and 35-41 for prosecution, withdrawing Claims 33-34 from further consideration as being drawn to a non-elected invention.

### **2. The Drawing Objections**

In the *Office Action*, the *Drawings* are objected. The Examiner alleges that reference 360 in Fig. 6 is not discussed in the present application. Applicant respectfully points the Examiner to US Patent Publication 20070127855, ¶[0106] for citation to such reference.

References 322 and 438 have been removed in the *Replacement Sheet* of Figs. 6-8.

Reference 32 now points to the mouth in the *Replacement Sheet* of Figs. 1-2B.

References 32 (Fig. 2A) and 326 (Fig. 8) now point to the correct structure.

The *Specification* has been amended to indicate that reference 326A is shown in Fig. 6, and not Figs. 7-8.

### **3. The Specification Objections**

In the *Office Action*, the *Specification* is objected to for lack of *Headings*, form of

*Abstract*, and some typographical errors. It is respectfully submitted that the amendments to the *Specification* presented herein overcome the current objections.

#### **4. The Claim Objection**

In the *Office Action*, Claim 26 is objected to for a typographical error, which is amended herein.

#### **5. The Claim Rejections**

In the *Office Action*, Claims 8-12 and 19-21 are rejected under 35 USC § 112, second paragraph, as allegedly being indefinite. Claims 8, 10 and 19-20 are herein amended to clarify the recited invention.

In the *Office Action*, Claims 1-5, 19-24, 26, 28-32, 35-36 and 38-41 are rejected under 35 USC § 103(a), as allegedly being unpatentable over US Patent No. 3,807,626 to Goodrich in view of US Patent Publication No. 2004/0011677 to Arakawa et al. Claims 6, 10, 13-18, 25, 27 and 37 are rejected under 35 USC § 103(a), as allegedly being unpatentable over Goodrich in view of Arakawa et al., and further in view of allegedly admitted prior art. Claims 6-7 and 11-12 are rejected under 35 USC § 103(a), as allegedly being unpatentable over Goodrich in view of Arakawa et al., and further in view of US Patent No. 6,280,085 to Beer. Claims 8-9 are rejected under 35 USC § 103(a), as allegedly being unpatentable over Goodrich in view of Arakawa et al., Beer, and further in view of allegedly admitted prior art.

It is respectfully submitted that pending Claims are novel and non-obvious over the cited art. The recitation of Claim 3 has been incorporate into Claim 1. As Goodrich does not disclose, teach or suggest heat sealing the bag section to the cover section, Claim 1 and those ultimately dependent therefrom are patentably distinct from Goodrich and the various combinations of cited prior art. Goodrich discloses heat sealing the upper ends of the plastic bag, but using an adhesive connection to seal the plastic bag to the paper plies. *Col. 4, Lines 52-59*.

The invention recited in Claim 1 is a plastic bag, comprising a plastic bag section and a plastic cover section, which are heat sealed in the closeable region. The multi-wall bags of the Goodrich pouch bag are not heat sealed together, but adhesively secured.

The Claims rejected using allegedly admitted prior art are further patentably distinct from

the cited art, as those particular Claims do not recite choices of material, but, for example, locations of attachedness. For example only, Claims 6 and 7 do *not* recite different materials to achieve the desired heat seal, but recite that “the first and second walls are also separately attached respectively to the bag section walls in areas other than said closeable region”, and “the first and second walls are removeably heat sealed respectively to the bag section walls in said separably attached areas”. It is respectfully submitted that even if chose of materials are within the knowledge of those of skill in the art, Applicant does *not* concede that locations of sealing were within the knowledge of those of skill in the art.

As none of the cited art provides a disclosure, teaching or suggestion of all of the features recited in the pending Claims, it is respectfully submitted that the pending Claims are novel and non-obvious over the cited art.

#### **6. Fees**

This *Response and Amendment* is being filed within six months of the *Office Action*, and more specifically in five months. Thus, a two month extension of time fee payment is believed due.

No additional claim fees are believed due, as the pending total claim count and number independent claims, remains covered under the original filing fee.

Authorization is hereby expressly given to charge any additional fees due via deposit account No. 20-1507.

## CONCLUSION

By the present *Response and Amendment*, this Application has been placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

### **Certificate of Transmission:**

I hereby certify that this correspondence is being submitted by e-filing to the US Patent and Trademark Office in accordance with §1.8 on this date, via the EFS-Web electronic filing system.

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Respectfully submitted,

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